

1 PAMELA Y. PRICE (SBN 107713)  
2 P. BOBBY SHUKLA, ESQ. (SBN 229736)  
OK-HEE SHIM, ESQ. (SBN 240998)  
PRICE AND ASSOCIATES

3 A Professional Law Corporation  
4 1617 Clay St.  
Oakland, CA 94612  
5 Telephone: (510) 452-0292  
Facsimile: (510) 452-5625  
6 Email: [pypesq@aol.com](mailto:pypesq@aol.com)

7 Attorneys for Plaintiff NOHEMI LAZCANO

8 KEVIN V. RYAN (SBN 118321)  
9 United States Attorney  
10 JOANN M. SWANSON (SBN 88143)  
Chief, Civil Division  
11 ABRAHAM A. SIMMONS (SBN 146400)  
Assistant United States Attorney

12 450 Golden Gate Avenue, 10th Floor  
San Francisco, California 94102-3495  
13 Telephone: (415) 436-7264  
Facsimile: (415) 436-6748  
14 Email: [abraham.simmons@usdoj.gov](mailto:abraham.simmons@usdoj.gov)

15 Attorneys for the Postmaster General

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 NOHEMI LAZCANO, ) NO. C05-3396 WHA  
19 Plaintiff, )  
20 v. )  
21 JOHN E. POTTER, IN HIS OFFICIAL )  
CAPACITY AS POSTMASTER )  
GENERAL, )  
22 Defendant. )  
23 \_\_\_\_\_ )  
24 \_\_\_\_\_ )  
STIPULATED REQUEST FOR ORDER  
CHANGING TIME; DECLARATION  
OF COUNSEL;  
PROPOSED ORDER

25 Pursuant to Civil Local Rule 6-2, the parties hereby submit the following stipulated request for  
26 order changing time by which the mediation in this case must be completed. The current deadline for  
27 completing the mediation is April 11, 2006. The parties agree and request that the Court approve a  
28 mediation on May 31, 2006. This will permit defendant sufficient time to complete the requisite discovery

1 in order to ensure that the mediation will be as productive as possible.

2 Respectfully submitted,

3

4 PRICE AND ASSOCIATES

KEVIN V. RYAN  
United States Attorney

5

6 Dated: April 6, 2006

/s/

/s/

7

P. Bobby Shukla  
Attorneys For Plaintiff

ABRAHAM A. SIMMONS  
Assistant United States Attorney

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**PROPOSED ORDER**

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Good cause appearing, the stipulation is approved. The mediation may occur as scheduled on  
10 May 31, 2006.

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4/10/06

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Date

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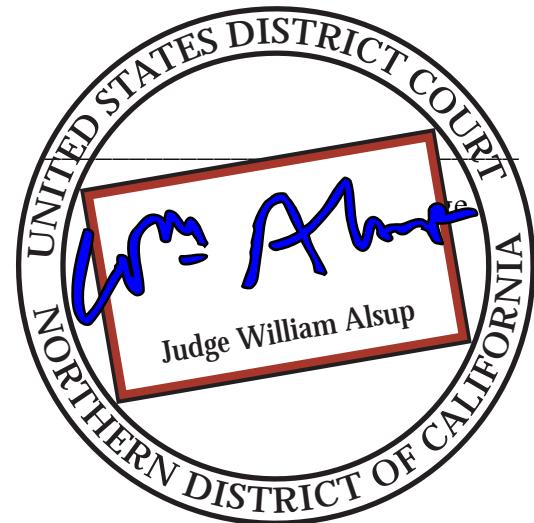
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**Declaration of Counsel**

I, ABRAHAM A. SIMMONS, declare as follows:

1. I am an Assistant United States Attorney in the Northern District of California and I have been assigned to represent the government in the above-captioned matter. If called to testify I would and could competently testify as to the facts in this declaration.
2. This case was referred to mediation at the January 12, 2006, Initial Case Management Conference. According to ADR Local Rule 6-4(b), the deadline for completing the mediation, absent court order, is April 11, 2006.
3. The pre-mediation conference call in this case did not occur until March 30, 2006. The mediator is Greta W. Schnetzer. She explained to the parties during the call that there were delays in her receipt of the case.
4. At the conference call, the parties discussed the nature of the relief that would be sought and other aspects of the case. I came to the conclusion that I would not be able fairly to evaluate the positions that plaintiff was taking with respect to the relief she would be seeking at the mediation without first taking plaintiff's deposition. Further, I do not think it would be in the government's interest to take the plaintiff's deposition until after defendant receives responses to interrogatories and document requests. Although the paper discovery has been prepared, it is not yet due.
5. It will be possible to receive defendant's discovery responses, take plaintiff's deposition and then conduct the mediation by May 31, 2006. The parties and the mediator all are agreeable to this mediation date.
6. Because it likely would be fruitless to attempt to mediate the matter earlier than May 31, 2006, I believe that extending the deadline for mediation until that date would help ensure that the mediation will be as effective as possible.

I declare under penalty of perjury under the laws of the United States that the above is true and accurate. Executed this April 4<sup>th</sup> day in April, 2006, in San Francisco, California.

ABRAHAM A. SIMMONS